

In the Supreme Court of the State of Idaho

IN RE: AMENDMENT OF IDAHO
CRIMINAL RULE (I.C.R.) 33.3

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ORDER

The Court having reviewed a recommendation from the Domestic Violence and Assault and Battery Board to amend Rule 33.3 of the Idaho Criminal Rules, and the Court having fully considered the same;

NOW, THEREFORE, IT IS HEREBY ORDERED that Rule 33.3 of the Idaho Criminal Rules, as they appear in the volume published by the Idaho Code Commission be, and is hereby, amended as follows:

Rule 33.3. Evaluation of persons guilty of domestic assault or domestic battery.

(a) Evaluators. Evaluators of persons who plead guilty or are found guilty of domestic assault or domestic battery under Idaho Code Section 18-918 shall be approved and shall serve under the following provisions:

(1) **Qualifications.** An evaluator under Idaho Code Section 18-918 shall have the following qualifications:

(A) Licensed physician, licensed psychologist, licensed master social worker, licensed social worker if approved prior to July 1, 2008, licensed professional counselor, licensed marriage and family therapist, licensed registered nurse, licensed nurse practitioner or physician's assistant; an evaluator may be licensed in the state of Idaho or any other state;

(B) Twenty (20) hours of specialized education or training in domestic violence within the previous two years that meets the criteria set out in subsection (2), as evidenced by an attached certificate of completion or other supporting documentation. Up to ten (10) hours may be satisfied through approved participatory online CEU programs.;

(C) One year experience after licensure in assessment or treatment of domestic violence related issues; and

(D) Approved by the Domestic Assault and Battery Evaluator Advisory Board and maintained on a roster by the Administrative Director of the Courts as persons eligible to conduct evaluations of persons guilty of assault or domestic battery. In the event there is no evaluator approved within the judicial district, then the requirements of (B), (C), and (D) may be waived by the court.

(2) **Continuing Education of Evaluators.** Beginning the next July 1 after an evaluator has been approved by the Domestic Assault and Battery Evaluator Advisory Board, the evaluator must take at least sixteen (16) hours of specialized training in domestic

violence, or related topics in courses approved by the Domestic Assault and Battery Evaluator Advisory Board, in each and every two (2) year period following the July 1 date. An evaluator must file proof of compliance with this requirement with the Administrative Director of the Courts by July first of the year the continuing education is due. Along with proof of compliance, an evaluator must also send proof of current licensing.

(A) The sixteen (16) hours of training required in this section shall be in one or more of the following areas: (a) domestic violence; (b) violence in families; (c) child abuse; (d) anger management; (e) risk factors for future dangerousness; (f) psychiatric causes of violence; or (g) drug and alcohol abuse. ~~However, No~~ more than four (4) of the sixteen (16) required hours may be in the area of drug and alcohol abuse. Up to eight (8) of the sixteen (16) required hours may be satisfied through approved participatory online CEU programs.

(B) The sixteen (16) hours of required training in this section shall be acquired by completing a program approved or sponsored by one of the following associations: (a) Idaho Psychiatric Association; (b) Idaho Psychologists Association; (c) Idaho Nursing Association; (d) Idaho Association of Social Workers; (e) Idaho Counselors Association; (f) Council on Domestic Violence and Victim Assistance; (g) Idaho Coalition Against Sexual Assault and Domestic Violence, or the national equivalent of any of these organizations; ; or (h) the Idaho Supreme Court.

(C) Any program that does not meet the criteria set out in both section (a)(2)(A) and section (a)(2)(B) may be submitted to the board for approval either prior to or after completion.

(3) **Appointment Approval.** All evaluators under Idaho Code Section 18-918 must be approved by the Domestic Assault and Battery Evaluator Advisory Board. Any person desiring to be approved as an evaluator shall file an application for approval with the Administrative Director of the Courts indicating the qualifications of the applicant and the dates and content of relevant training courses attended. An evaluator approved by order of the Domestic Assault and Battery Evaluator Advisory Board may continue in service from one calendar year to the next unless otherwise ordered by the Domestic Assault and Battery Evaluator Advisory Board. The Administrative Director of the Courts shall maintain a statewide list of approved evaluators by the Domestic Assault and Battery Evaluator Advisory Board.

DATED this 3 day of January, 2011.

By Order of the Supreme Court



Daniel T. Eismann,
Chief Justice

ATTEST: Stephen Kenyon
Steve Kenyon,
Clerk

I, Stephen W. Kenyon, Clerk of the Supreme Court of the State of Idaho, do hereby certify that the above is a true and correct copy of the Order entered in the above entitled cause and now on record in my office.
WITNESS my hand and the Seal of this Court 1/4/11

STEPHEN W. KENYON

Clerk

By: Kristen Gross Deputy